

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

RAHSHID WILLIAMS,

Petitioner,

v.

CLAY STANTON,

Respondent.

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No. 2:24-CV-44 SRW

MEMORANDUM AND ORDER

This matter is before the Court upon review of self-represented Petitioner Rahshid Williams's two-page filing titled, "Nunc Pro Tunc," in which he asserts the Missouri Probation and Parole Board wrongfully calculated his sentence related to a state court conviction. ECF No.

1. The Court construes this filing as a petition for a writ of habeas corpus under 28 U.S.C. § 2254.¹

The Court finds the petition is defective because it has not been drafted on a Court-provided form. *See* Local Rule 2.06(A) ("All actions brought by self-represented plaintiffs or petitioners should be filed on Court-provided forms where applicable. If an action is not filed on a Court-provided form, the Court, in its discretion, may order the self-represented plaintiff or petitioner to file the action on a Court-provided form."). The form *must* be completed in its entirety and sufficiently show that Petitioner exhausted the remedies available to him in the courts of the state in which the petitioner was convicted.²

¹ Section 2254 supplies federal jurisdiction over habeas petitions filed by the inmates challenging their state convictions or sentences, or the execution of those state sentences, including the issues of parole, term calculation, etc. *See* 28 U.S.C. § 2254. In contrast, 28 U.S.C. §§ 2241 and 2255 confer jurisdiction over the petitions filed by federal inmates.

² A state prisoner must exhaust available state remedies before obtaining federal habeas relief. *O'Sullivan v. Boerckel*, 526 U.S. 838, 842 (1999); 28 U.S.C. § 2254(b)(1)(A). Exhaustion is satisfied by showing petitioner "made a fair presentation of his claims to the state courts *or* he has no other presently available state remedies to pursue." *Gentry v. Lansdown*, 175 F.3d 1082, 1083 (8th Cir. 1999); *accord Meador v. Branson*, 688 F.3d 433, 435 (8th Cir. 2012).

Additionally, Petitioner has not paid the filing fee or filed a motion to proceed *in forma pauperis*. See 28 U.S.C. § 1915(a).

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court is directed to mail to Petitioner a copy of the Court's form "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody."

IT IS FURTHER ORDERED that the Clerk of Court shall mail to Petitioner a copy of the Court's application to proceed in district court without prepaying fees or costs.

IT IS FURTHER ORDERED that Petitioner shall file an amended petition on the Court-provided form within **thirty (30) days** of the date of this Order. Petitioner is advised that his amended petition will take the place of his original petition and will be the only pleading that this Court will review.

IT IS FURTHER ORDERED that Petitioner shall either pay the \$5 filing fee or submit an application to proceed in district court without prepaying fees or costs within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that if Petitioner fails to comply with this Order, the Court will dismiss this action without prejudice.

Dated this 20th day of June, 2024.



STEPHEN R. WELBY
UNITED STATES MAGISTRATE JUDGE